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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,  
  
Plaintiff,  
  
vs.  
  
JUSTIN JAMES RECTOR,  
  
Defendant.

Case No.

CR-2014-01193  
CR-2017-01042

VIRLENN TIRRELL  
SUPERIOR COURT CLERK

2019 JUL 12 PM 4:33

FILED  
BY: [Signature]

Kingman, Arizona  
July 11, 2019  
9:17 a.m.

BEFORE: The Honorable Lee F. Jantzen, Judge

PARTIAL TRANSCRIPT OF PROCEEDINGS  
Evidentiary Hearing on Motion to Withdraw from Plea Agreement

Reported by:

Theresa A. Salsberry, RPR, Official Reporter,  
Arizona Certified Reporter #50866



S8015CR201401193

SUPERIOR COURT, KINGMAN, ARIZONA

A P P E A R A N C E S

For the State:

Greg McPhillips, Deputy County Attorney

For the Defendant:

Daniel Kaiser, Attorney for and with the Defendant

## I N D E X

PAGESTATE'S WITNESSESJAMES VALDEZ

DIRECT EXAMINATION BY MR. MCPHILLIPS

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CROSS-EXAMINATION BY MR. KAISER

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REDIRECT-EXAMINATION BY MR. MCPHILLIPS

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## E X H I B I T S

NO.RECEIVED

(None.)

## P R O C E E D I N G S

THE COURT: This is CR-2014-1193 and accompanying CR-2017-01042, State of Arizona versus Justin James Rector. Show the presence of Mr. Rector. Show the presence of Mr. Kaiser representing Mr. Rector, and show the presence of Mr. McPhillips representing the state.

(The following is a partial transcript of the proceedings held 7/11/19, at the request of the ordering party.)

MR. MCPHILLIPS: The state would be calling Jimmy Valdez.

THE COURT: Mr. Valdez, come up to the clerk and be sworn in.

MR. VALDEZ: Yes, Your Honor.

JAMES VALDEZ  
called as a witness, having been duly sworn, testified as follows:

THE COURT: Have a seat.

THE WITNESS: Thanks, Your Honor.

THE COURT: As soon as he's situated, go ahead, Mr. McPhillips.

MR. MCPHILLIPS: Thank you.

## DIRECT EXAMINATION

BY MR. MCPHILLIPS:

1 Q. Can you please state your name for the court?

2 A. James Robert Valdez, Jr.

3 Q. What do you do work for?

4 A. I'm a criminal defense investigator.

5 Q. And have you had a chance to ever work with  
6 Julia Cassels?

7 A. Yes, I have.

8 Q. Did you work with Julia Cassels in the  
9 representation of Justin James Rector in a case here  
10 in Mohave County?

11 A. Yes, sir, I have.

12 Q. And was that at one point a death penalty  
13 case?

14 A. Yes, sir.

15 Q. And then the death penalty was withdrawn?

16 A. Yes, sir.

17 Q. Did you work with Ms. Cassels on this case  
18 when it was a death penalty case?

19 A. Yes, sir.

20 Q. Did you also work with Ms. Cassels when it  
21 was no longer a death penalty case?

22 A. Yes, I have.

23 Q. And did your involvement in this case end  
24 when Ms. Cassels -- when defendant no longer wanted  
25 Ms. Cassels on the case?

1 A. Yes.

2 Q. Okay. I want to ask a couple questions  
3 about -- about some attorney -- strike that.

4 Are there ever times when you went to the  
5 jail and reviewed evidence with Mr. Rector?

6 A. Evidence, yes, I have.

7 Q. And can you explain what types of evidence  
8 that you've reviewed with Mr. Rector?

9 A. Yes, I can.

10 Q. And what types of evidence had you reviewed  
11 with Mr. Rector about this case?

12 A. I had a file system which I no longer have, but  
13 it had CD's in it, the CD's I would review with Justin  
14 Rector.

15 Q. And do you know if -- and there were quite a  
16 few CD's in this case, correct?

17 A. There was probably over 100.

18 Q. Do you know if you've ever reviewed with  
19 Mr. Rector any of the scientific material in this  
20 case, the state's scientific material?

21 A. No, sir, I haven't.

22 Q. And was the review of the evidence with  
23 Mr. Rector ongoing --

24 A. It was --

25 Q. -- when you ended your job in this case?

1 A. Yes, sir.

2 Q. What are some of the types of the things that  
3 you did review with Mr. Rector?

4 A. Some of the things I reviewed were audios from  
5 witnesses. There were some videos of witnesses that  
6 were in the case, and I covered that, and then I covered  
7 some of the search warrant of [REDACTED] home. I  
8 covered some of the photos and some of the stuff they  
9 collected in the search warrant.

10 Q. Okay. Now, is it fair to say -- well, strike  
11 that. Let me ask the question a different way.

12 Did your review of the evidence, did it begin  
13 after death penalty was withdrawn?

14 A. No.

15 Q. So were you reviewing some of the evidence  
16 prior to that with him?

17 A. Yes.

18 Q. And when you were reviewing the evidence,  
19 were you doing that with the permission of either  
20 Mr. Quinn (sic) or Ms. Cassels?

21 A. Yes. And actually to re-answer that, I'm not  
22 sure if I was at that time. I think I was still out in  
23 the field doing field work. I'm not sure. I don't  
24 remember if I was actually visiting him to review  
25 evidence.



1 Q. And that's when the death penalty was on the  
2 table?

3 A. Correct.

4 Q. So is it possible that when the death penalty  
5 was taken off the table, that's when you started doing  
6 the review of the evidence of Mr. Rector?

7 A. I think so. I can't recall. It could have  
8 been both. I don't know.

9 Q. Now, do you know, were you involved in any  
10 meetings with any of the attorneys where either  
11 Ms. Cassels, Mr. Gavin or Mr. Jolly reviewed evidence  
12 with Mr. Rector or discussed evidence with Mr. Rector?

13 A. I'm sorry, repeat your question.

14 Q. Were you ever involved in meetings with other  
15 members of the defense team where they discussed the  
16 evidence of the case with Mr. Rector?

17 A. Yeah, I was involved with a lot of team  
18 meetings. I don't recall them ever discussing any  
19 evidence with Justin.

20 Q. Is there -- was there a time in this case  
21 where the defense team was concerned about Mr. Rector  
22 having the disclosure files in the jail?

23 A. Yes.

24 Q. And why was that?

25 A. Well, because the jail -- I think the time I

1 got on it there was already disclosure of an inmate in  
2 the jail that had information about Justin and wanted to  
3 use that against Justin to levy on his case, so that was  
4 the understanding I got that we didn't want him to have  
5 his discovery in the jail because other inmates would  
6 have access to it and try to use that for leverage for  
7 their own personal gain in their case.

8 Q. And is that a concern you've seen in other  
9 cases as an investigator?

10 A. Yes, sir. But that wasn't our only concern.

11 Q. Did you have other concerns?

12 A. Yes.

13 Q. What were those?

14 A. Well, Justin having access to his discovery in  
15 his own cell. He would share that with his family  
16 members on the phone, and we knew the state was  
17 recording the phone calls, and we would get that  
18 discovery as well, and one of our concerns was he would  
19 talk about some of the discovery stuff with his family  
20 members.

21 Q. And this is a case where the state had  
22 disclosed some phone calls of Mr. Rector to his  
23 family, correct? Disclosed them to the defense?

24 A. Correct.

25 Q. This is actually a case where you knew the

1 state was paying attention to what Mr. Rector was  
2 saying to his family?

3 A. Correct.

4 Q. Did -- when -- in December of 2018, was there  
5 a point when you gave a box of disclosure to Captain  
6 Bischoff from the Mohave County Jail? You may have  
7 done that in Yavapai?

8 A. Yes.

9 Q. Can you tell me about that? What happened?

10 A. All right. So -- and I don't remember how it  
11 started but -- and I don't know if Julia gave me  
12 direction or how I got the direction, but after we get  
13 off the case my job was to return Justin's case file to  
14 the Mohave County Jail, and I'm sure they were aware  
15 that I was bringing it.

16 So when I got to the Mohave County Jail Adult  
17 Detention facility here in Kingman, Arizona, it wasn't  
18 Bischoff, but I think it was his lieutenant. I can't  
19 remember his name, but he refused to take it.

20 Q. Okay. So was that on the same day that  
21 Bischoff met with you in Yavapai?

22 A. Yes. And how that happened, I loaded the box  
23 back in the car, and I drove home because I live in  
24 Prescott, so I drove home. I think I was maybe a half  
25 hour from my residence, and Bischoff had called me and

1 asked me if I had dropped it off, and I told him, no. I  
2 tried to, but your staff refused it.

3 Q. And when he learned of that, did he come to  
4 Yavapai and pick that box up from you?

5 A. Yeah. I told him that -- I think it might have  
6 been on a Thursday or Friday, I told him I could bring  
7 it back the following week, and he wanted it right away  
8 because he realized his staff failed, and he felt  
9 responsible, so he drove out the 2 1/2 hour drive to my  
10 house and picked it up in my front yard.

11 Q. So he got those items, and that was  
12 disclosure materials for Mr. Rector?

13 A. That was his box of discovery. It wasn't a  
14 full set of discovery. It probably wouldn't have fit in  
15 his vehicle.

16 Q. Was this discovery from the state?

17 A. It was stuff that Justin had in his box, and I  
18 don't know what was in it. I know it -- I'm sure it had  
19 discovery stuff from the state, but it was his. It was  
20 Justin's discovery box that we had in our possession,  
21 and I didn't go through it. I didn't -- so I don't know  
22 exactly what was in it, but I'm sure there was discovery  
23 from the state.

24 MR. MCPHILLIPS: Thank you. I have  
25 nothing else. Thank you, sir.

1 THE COURT: Mr. Kaiser?

2 MR. KAISER: Thank you, Judge. I  
3 apologize. Can we take two minutes? I had too much  
4 iced tea at lunch.

5 THE COURT: All right. We'll stand at  
6 recess two minutes.

7 (A recess was taken at 2:16 p.m. until  
8 2:19 p.m.)

9 THE COURT: We're back on the record. I  
10 generally make fun of my wife when we have had to stop  
11 in Needles on the way to Los Angeles. Hopefully we  
12 can make it through.

13 Mr. Kaiser, go ahead.

14 MR. KAISER: Thank you, Judge.

15 CROSS-EXAMINATION

16 BY MR. KAISER:

17 Q. Mr. Valdez, do you have an idea about when  
18 you got involved in Mr. Rector's case?

19 A. In might have been 2 1/2 years after it  
20 started. I couldn't tell you. I'm guessing June 2016.  
21 I could be wrong.

22 Q. In looking at when you got involved, did you  
23 go see Mr. Rector pretty quickly after you got  
24 involved?

25 A. Yes, sir.

1           Q.    So if I tell you that at least if this log is  
2 correct, the jail log, if the first day that you went  
3 to the jail was May 18th, 2016, it's the first time  
4 your name appears, would that be about right?

5           A.    I would think so, yes, sir.

6           Q.    Prior to seeing Mr. Rector in the jail when  
7 you got involved, did you have an opportunity to get  
8 some disclosure to look at?

9           A.    Not at that time. I don't think I received  
10 disclosure -- I don't remember if I -- I don't think so.  
11 I don't think I received discovery at that time. I know  
12 that was an issue.

13          Q.    And know this was several years ago already,  
14 correct?

15          A.    Yes, sir.

16          Q.    At some point after getting involved you did  
17 get a significant amount of material?

18          A.    Yes, sir.

19          Q.    And you also reviewed what had been going on  
20 prior to you getting involved?

21          A.    Yes, sir.

22          Q.    Who was on the case prior to -- at least  
23 immediately prior to you as far as attorneys or were  
24 involved at the time?

25          A.    Well, I remember the first time that I met

1 Julia Cassels was here in the court parking lot, and I  
2 remember going to the courthouse to just kind of look at  
3 the court docket to see where they were on the case.

4 Q. You've been a criminal investigator for some  
5 time?

6 A. Yes, sir.

7 Q. How long?

8 A. Since 2007.

9 Q. How many death penalty cases have you worked  
10 on approximately?

11 A. Double digits. I would say 12.

12 Q. And how many first degree murder cases have  
13 you worked on?

14 A. I can't give you a number. Around 20, 30, 40,  
15 somewhere around there.

16 Q. And I'm assuming you've worked on other major  
17 felony cases?

18 A. Yes, sir. Here and also different counties.

19 Q. Worked on second degree murder cases?

20 A. Yes, sir.

21 Q. Manslaughter cases?

22 A. Yes, sir.

23 Q. Major -- other major felonies?

24 A. Yes, sir.

25 Q. So a lot of cases?

1 A. Yes, sir.

2 Q. And you've had the opportunity to work with a  
3 lot of different attorneys.

4 Is that fair?

5 A. Yes, sir.

6 Q. When you got on this case did you have some  
7 concerns almost immediately?

8 A. Yes, I did. When I first went to look at the  
9 docket to see where the case was, I had immediate  
10 concerns.

11 Q. What were your concerns?

12 A. That they were about to have the Chronis  
13 hearing.

14 Q. And why did that concern you?

15 A. Typically with other attorneys, I'm involved in  
16 the Chronis hearing. I'm involved with some research  
17 on and the reports, the experts in relation to the  
18 medical examiner and also the case officer.

19 Typically on Chronis hearings they would have  
20 the case officer and a medical examiner if it's a  
21 murder case, they would have those testify and maybe a  
22 couple other people, a couple other experts, and my  
23 concern was the only subpoena I saw in there was for  
24 Detective Grasse.

25 Q. And usually you're used to seeing at those



1       hearings other witnesses?

2                   MR. MCPHILLIPS:  Objection.  Relevance.  
3       I think the Chronis hearing is far outside of what  
4       we're talking about here.

5                   THE COURT:  And I'm going to sustain the  
6       objection because he's already answered the question,  
7       so move on to something else.

8       BY MR. KAISER:

9           Q.  Did you have some concerns with -- other  
10       concerns of how the case is being handled?

11          A.  Yeah.  I had expressed to Gavin that we should  
12       try to continue the Chronis hearing so myself and  
13       Julia -- I think Julia had got on at the same time  
14       because that was the first time I met her was in the  
15       parking lot that day that they were having the first day  
16       of the Chronis hearing.

17                   And I had already expressed to Gavin in an  
18       email that if he could continue the Chronis hearing so  
19       me and her could catch up a little bit.

20          Q.  After the Chronis hearing obviously you had  
21       more involvement in the case as well?

22          A.  Yes, sir.

23          Q.  Putting the Chronis hearing aside, did you  
24       have other concerns regarding what was going on in the  
25       case or lack thereof?

1           A. At that point I didn't receive -- I remember  
2 not receiving the discovery that I thought I needed that  
3 I thought was there, and I expressed to Gavin, and he  
4 said he would get that to me, and I think I had minimal  
5 reports, and there was a lot more I knew that was  
6 missing.

7           Q. Did you have some concerns on how Mr. Gavin  
8 was keeping the file?

9           A. Yes, I did.

10          Q. What were those concerns?

11          A. My concern is he didn't have it, and when I  
12 remember walking to his vehicle, the whole Rector case  
13 was in his car all over the place.

14          Q. Can you be a little bit more specific on all  
15 over the place?

16          A. I don't want to but yeah. There was some on  
17 the dashboard, some on the floor, some in the backseat,  
18 and I could see some of the stuff was Rector. Some of  
19 it was motion stuff that doesn't concern me, but I  
20 was -- and I remember him giving me some CD's at that  
21 juncture.

22          Q. With the term strewn around his vehicle give  
23 a picture of what it was like?

24          A. Yeah. Yes, sir.

25          Q. And that concerned you as well?

1           A. Yeah. Typically I think at that point we're  
2 used to getting discovery on like a cloud, and they  
3 would just share that with you, and you would have it  
4 all there, and it would be in some fashion in order.

5           Don't get me wrong, I've received other cases  
6 like post-conviction relief cases where they were a  
7 mess as well, so I'm not saying it was just Gavin.  
8 I'm just saying when I received the first set of CD's,  
9 that's how I received them.

10          Q. Based on your experience were you concerned  
11 about the progress in the case up until the point it  
12 got to you?

13          A. I remember the first few weeks when we came  
14 into the courtroom Mr. McPhillips was concerned about  
15 the delays, the delays of -- you know, I can't  
16 specifically tell you what, but I just remember he had  
17 expressed delays in the case.

18          Q. Was he concerned that it didn't appear to be  
19 moving forward?

20          A. Yes.

21          Q. And did you actually share those concerns  
22 based on what you saw?

23          A. To Gavin?

24          Q. No, just personally.

25          A. To myself, yeah.

1 Q. Did you convey those to anybody else?

2 A. No.

3 Q. So when you got involved were you given  
4 certain duties?

5 A. Yes.

6 Q. And what were those?

7 A. To review the police reports, to locate  
8 witnesses that were involved in the police reports and  
9 to try to get statements from those witnesses.

10 Q. And up until that point those things hadn't  
11 been done?

12 A. Correct. There was no investigator assigned to  
13 that case prior to me.

14 Q. And I think we said that you got involved  
15 around May of '16?

16 A. Yes, sir.

17 Q. And so it's almost at that point almost two  
18 years into the case?

19 A. Yes, sir.

20 Q. While you were on the case there were  
21 meetings between the defense team, you included,  
22 correct?

23 A. Yes, sir.

24 Q. Was there any discussion on what things would  
25 be discussed with Justin regarding the case?

1           A. I think at that time with Gavin, Julia, me and  
2 Renee DeSaye it was just to kind of keep Justin on the  
3 tracks so to speak and to go visit him and make sure he  
4 was doing okay and then report back to Gavin.

5           Q. Were there concerns on how he was doing?

6           A. Yes, there was.

7           Q. What concerns were those?

8           A. That he was suicidal.

9           Q. And you also had concerns regarding what he  
10 may report to other family members?

11          A. Correct.

12          Q. Were you ever made aware -- were there any  
13 discussions regarding the evaluations that Justin had  
14 gone through by psychologists?

15          A. There were discussions about that, but those  
16 didn't involve me.

17          Q. Do you know whether Julia or Gavin had  
18 reviewed disclosure with Justin?

19          A. I don't believe that they had. That was, I  
20 guess, my job.

21          Q. Did you get that impression based on your  
22 meetings with Justin?

23          A. Yes.

24          Q. Justin, you visited him quite a bit?

25          A. Yes, sir.

1 Q. Were all the visits to go over issues in the  
2 case?

3 A. No.

4 Q. How was a majority of -- what was the content  
5 of most of your visits?

6 A. Most of my visits were to just -- just to get  
7 Justin to trust me, get him to know me and for me to get  
8 to know him and to make sure he was still on track  
9 and -- because he would kind of waiver from that and get  
10 frustrated.

11 And so I think we all played a role in trying  
12 to visit him and kind of make sure he was still on the  
13 same track.

14 Q. Did he ever express to you any concerns about  
15 the lack of progress?

16 A. Yes, he did.

17 Q. Was he concerned that his attorneys -- did he  
18 ever express to you concern what his attorneys were  
19 doing?

20 A. I think he expressed to me that Gavin and  
21 Julia, there was some lack of moving forward in his  
22 case, but I don't remember him saying that about Quinn  
23 Jolly.

24 Q. There were -- you became aware of some  
25 scientific results.

1                   Is that fair?

2           A.   Yes, sir.

3           Q.   To put that in a general term, there was  
4 testing done on soil?

5           A.   Yep.

6           Q.   There was DNA testing?

7           A.   Yes.

8           Q.   There was some fingerprint analysis?

9           A.   Correct.

10          Q.   There was shoeprint analysis?

11          A.   Correct.

12          Q.   Was any of that information -- as far as you  
13 are aware of, was any of that information shared with  
14 Justin?

15          A.   No, it wasn't, not by me. I remember there was  
16 certain items that we still would have from the state  
17 that concerned me, but the stuff that I received from  
18 the Department of Public Safety on lab results, I had  
19 all that stuff, and I didn't share that with Justin.

20          Q.   Do you know if anyone else on the team shared  
21 it with him?

22          A.   If they would have, I would have known about  
23 it.

24          Q.   At some point Mr. Gavin withdrew from the  
25 case?

1 A. Yes, sir.

2 Q. Do you remember about when that was?

3 A. No.

4 Q. And when that occurred did you have any  
5 discussions with Ms. Cassels regarding that?

6 A. Yes, I did.

7 Q. And was there some concerns at that time as  
8 well regarding his leaving the case?

9 A. Yes.

10 Q. And what were those concerns, if you recall?

11 A. Well --

12 MR. MCPHILLIPS: Objection. Relevance.

13 THE COURT: Overruled.

14 BY MR. KAISER:

15 Q. What concerns were expressed within the team  
16 with Mr. Gavin leaving the case?

17 A. The concerns of -- you mean expressed from  
18 Ms. Cassels or from Mr. Gavin?

19 Q. From Ms. Cassels.

20 A. She had concerns --

21 MR. MCPHILLIPS: Objection. Hearsay.

22 THE COURT: Sustained.

23 BY MR. KAISER:

24 Q. Did you have some concerns when Mr. Gavin  
25 left the team?



1 A. Yes, I did.

2 Q. What were those concerns?

3 A. The way he was managing the case from what my  
4 experience is in capital work.

5 Q. Do you believe he wasn't managing the case  
6 very well?

7 A. Correct.

8 Q. Do you believe Ms. Cassels was managing the  
9 case very well based on your experience with other  
10 capital attorneys?

11 A. No.

12 Q. And why do you think that?

13 A. This was Ms. Cassels' first capital case, so  
14 she wasn't familiar with some of the things that go on  
15 when it comes to managing -- well, she was on the case  
16 as a capital case. I don't think she was -- when she  
17 took over it wasn't a capital at that point, so it was a  
18 first degree murder case.

19 I can't tell you how many cases she has just  
20 on a first degree murder case, but I don't think we  
21 were moving at the speed we probably should have been  
22 moving it, and so I can understand why Mr. McPhillips  
23 had concerns.

24 Q. At some point Mr. Jolly got on the case?

25 A. Yes, sir.

1 Q. And at the time this was Mr. Jolly's only  
2 case?

3 A. Yes, sir.

4 Q. Was he actively involved in the case?

5 A. I would say too actively.

6 Q. Why do you say that?

7 A. For one, as an investigator you don't just work  
8 one capital case. You have other attorneys, other  
9 cases, other counties that you're probably working other  
10 cases, and I think at the time I had three capital  
11 cases.

12 And I can only give this, Justin's case, so  
13 much attention, and Mr. Jolly, it was his only case,  
14 so I understood how involved he was with it. The  
15 problem I had was what he expected from me, and then  
16 the team meetings that we had were every other week.  
17 It was just too intense, I think.

18 Q. Did he express any concerns about the lack of  
19 progress on the case?

20 MR. MCPHILLIPS: Objection. Hearsay.

21 THE COURT: Sustained.

22 MR. KAISER: Judge, I asked if he had  
23 expressed concerns, not with specific --

24 THE COURT: The objection was sustained.

25 Ask another question.

1 BY MR. KAISER:

2 Q. When Mr. Jolly came on the case was he  
3 basically starting -- seemed to be starting it from  
4 square one?

5 A. Yes.

6 Q. And did you think that that was the  
7 appropriate thing to do at that particular time?

8 A. In cases that I've worked in the past where we  
9 got a new attorney on a capital case, the first chair  
10 starts completely over and -- as if it was a brand new  
11 case, so yes, it was appropriate.

12 Q. At the time Mr. Jolly got on the case, do you  
13 think the case was significantly behind where it  
14 should have been?

15 A. Oh, absolutely.

16 Q. Do you know if Mr. Jolly -- do you have any  
17 personal knowledge on if Mr. Jolly reviewed any  
18 disclosure with Justin?

19 A. I don't believe he has. And the reason why I  
20 say that is because I would have been notified about  
21 that. That this is my job. Unless the attorney  
22 specifically says, don't cover this with Justin or don't  
23 cover this with Justin, and there's stuff we didn't  
24 cover with Justin on purpose. There was a reason behind  
25 it, and it was a valid reason.

1 Q. When Mr. Jolly got the case there was a  
2 significant amount of disclosure.

3 Is that fair?

4 A. Yes, sir.

5 Q. And he needed to get through it?

6 A. Yes, sir.

7 Q. And he intended to go through everything with  
8 Justin at some point?

9 A. Yes, sir.

10 Q. And he never got that opportunity.

11 Is that fair?

12 A. I think that's when death was removed. That's  
13 fair to say, yeah.

14 Q. Do you know, was there discussion within the  
15 team regarding the scientific testing results?

16 A. Yes. Between me and Jolly, yes.

17 Q. Did Mr. Jolly ever indicate that he went over  
18 that information with Justin?

19 A. No, he didn't.

20 Q. Was it your thought he had not gone over that  
21 information with Justin?

22 A. Correct.

23 Q. If I told you that he had testified that he  
24 did, would that surprise you?

25 A. It would upset me. It would surprise me as

1 well.

2 Q. Why would it upset you?

3 MR. MCPHILLIPS: Objection. Relevance.

4 THE COURT: Overruled.

5 THE WITNESS: May I answer the question,  
6 Your Honor?

7 THE COURT: Yes.

8 THE WITNESS: Just because if you're  
9 going to go see Justin and talk, let's just pick  
10 something. You're going to talk about a search  
11 warrant, then I go talk about a search warrant with  
12 him, we might have different opinions.

13 Typically with an attorney we would get  
14 together and talk about a search warrant, what was in  
15 it, and then we would get together in a conversation  
16 about what we're going to disclose to Justin, and he  
17 would have told me, here's what I'm going to discuss  
18 with Justin.

19 It's his case. It's his responsibility. I'm  
20 talking about Jolly, so if he were to take some  
21 evidence, he would have told me. He should have told  
22 me.

23 BY MR. KAISER:

24 Q. Did you -- did you have discussions with him  
25 regarding the results of the testing?

1           A. Mr. Jolly was very involved with this case. He  
2 went with me to this crime scene. He went with me to  
3 different scenes, to different areas in Bullhead City.  
4 He was very involved with the case and shared that  
5 information, especially when it came to guilt phase  
6 stuff.

7           I wasn't involved with him on any of the  
8 mitigation side of that, but on the guilt phase stuff  
9 we were very close, and so I would have known if he  
10 would have done that.

11          Q. At some point -- let me back up for a second.  
12 Did you have concerns about how Mr. Jolly and  
13 Ms. Cassels were working as a team on this case?

14          A. No. I thought we were progressing well.  
15 Mr. Jolly was very strong about getting a lot of things  
16 done. Some of the stuff I wasn't privy to, like the  
17 mitigation side of it or the motion side of it, but I  
18 thought it was moving a lot faster than it did with  
19 Gavin. That's for sure.

20          Q. At some point the death penalty was taken  
21 off, and Mr. Jolly was no longer on the case?

22          A. Yes, sir.

23          Q. Do you recall about when that was?

24          A. No, sir. I want to say February, 2017, but I  
25 could be wrong.

1 Q. And then the only attorney left on the case  
2 was Ms. Cassels?

3 A. Correct.

4 Q. So once Mr. Jolly was gone, did you have any  
5 concerns about how Ms. Cassels was handling the case?

6 A. No, I did not.

7 Q. Do you think she was still progressing,  
8 helping the case progress?

9 A. Whatever she dealt with him, with  
10 Mr. McPhillips on motions and stuff like that, I  
11 couldn't tell you, but it seemed like it was moving  
12 forward.

13 Q. Were you involved at all in the gathering of  
14 any type of mitigation for Justin?

15 A. When I first started Mr. Gavin asked me to  
16 focus on the mitigation and not the investigative part,  
17 and that's typically not my role.

18 Q. Was that Ms. DeSaye's role generally?

19 A. Yes, sir.

20 Q. As the months went on in 2017 -- or 2018 when  
21 Mr. Jolly get off around February, as the months  
22 rolled on did you begin to have any concerns as it got  
23 further on in the case on what was happening?

24 A. Well, I knew we were moving up to trial.

25 You're talking about when the death penalty

1 is off, and it's just me and Cassels?

2 Q. That's correct.

3 A. So my concerns were moving up to trial, and I  
4 think trial might have been in April of 2019. I'm not  
5 sure on that, but I remember my concerns were we still  
6 didn't have evidence that I thought was out there.

7 Q. You believe there was still things that were  
8 missing?

9 A. There still is things that are missing.

10 Q. Do you recall things that are still missing?

11 A. Yes, I do.

12 Q. And what are those?

13 A. We had done an evidence viewing with Detective  
14 Grasse and the Bullhead City Police Department. During  
15 that evidence viewing we came across several items of  
16 evidence that we were never disclosed, and some of them  
17 we had the police reports and some didn't, and there was  
18 no chain of custody for any of it, and that was a  
19 concern for me.

20 Q. Were any of those issues resolved prior to  
21 you being relieved on the case?

22 A. No, sir.

23 Q. And you were relieved December of '18?

24 A. Yes, sir.

25 Q. And so up until then you don't believe any of



1       those issues were resolved?

2           A.    Correct.

3           Q.    Was it your opinion as an investigator  
4       involved in the case that there's pieces of evidence  
5       that are missing?

6           A.    Yes, sir.

7           Q.    Was Justin aware of this at that time?

8           A.    No.

9           Q.    When I mean by that time, around the time  
10       that you had gotten off the case?

11          A.    I think I had told Justin that there were items  
12       that were missing, and I don't believe I told him what  
13       items were missing, but there was still evidence out  
14       there that we -- that he needed to secure.

15          Q.    In the last few weeks have you had any  
16       conversations with Mr. Jolly?

17          A.    No.

18          Q.    Have you had any conversations with  
19       Ms. Cassels?

20          A.    Yes, sir.

21          Q.    Is she aware of this hearing today?

22          A.    Yes, sir.

23          Q.    And where is she today?

24          A.    She's -- my guess she's in Laughlin, Nevada.

25          Q.    And why do you believe that?

1           A.    Because I knew she was coming down for the  
2   hearing.

3           Q.    Was she coming down for another reason?

4           A.    Yeah.   To see Mr. Jolly.

5           Q.    Did Ms. Cassels try to convince you not to  
6   come today?

7           A.    Yeah.   She says I wasn't -- what were her  
8   words?  So there's subpoenas that were issued in April,  
9   because I looked on the docket.  They were issued, but  
10   they were never served, so she told me I wasn't bound by  
11   the court to be here.

12          Q.    Did she try to tell you what you should say  
13   today in any way?

14          A.    She kind of led up to -- led up -- led me up to  
15   believe to, I guess, say certain things.

16          Q.    Do you know why she would do that?

17          A.    No.    Yeah, I know why.

18          Q.    Why?

19          A.    Because my opinion is --

20                   MR. MCPHILLIPS:  Objection.

21   Speculation.

22                   MR. KAISER:  It's his opinion, Judge.

23                   MR. MCPHILLIPS.  Right.  Speculation.

24                   THE COURT:  I know it's speculation.

25   I'm overruling this.  I guess this is a different turn

1       than I was expecting.

2               Go ahead and answer the question.

3               THE WITNESS: Can you repeat the  
4 question?

5 BY MR. KAISER:

6       Q. Do you know why she would try to -- I can't  
7 remember my question.

8               Do you know why she tried to convince you not  
9 to testify today?

10       A. Typically it would be attorneys that are  
11 worried about ineffectiveness of counsel, so to me that  
12 was the reason.

13       Q. Why do you believe that?

14       A. Because of the way she had asked me questions.  
15 Just it was the way I took it.

16       Q. What questions were asked of you?

17       A. You went over discovery with Justin, correct?  
18 And I guess that's -- I don't know how to explain that.

19       Q. Did you get that she was concerned that there  
20 was a question whether she went over those things with  
21 Justin?

22       A. I think there was a concern because I know she  
23 didn't.

24       Q. Do you think that's one of the reasons why  
25 she's not here today?

1 A. Yeah.

2 MR. MCPHILLIPS: Again, speculation.

3 THE COURT: That was sustained. I think  
4 we've addressed this.

5 THE WITNESS: Sorry, Your Honor.

6 THE COURT: Go ahead.

7 BY MR. KAISER:

8 Q. Did she indicate at all why she wouldn't want  
9 to be part of this hearing?

10 A. No.

11 MR. KAISER: I don't have any further  
12 questions.

13 THE COURT: Thank you. Mr. Kaiser.

14 Mr. McPhillips?

15 MR. MCPHILLIPS: Yes. Thank you.

16 REDIRECT-EXAMINATION

17 BY MR. MCPHILLIPS:

18 Q. I want to could kind of get back to this  
19 issue on Ms. Cassels.

20 Did you change any of your testimony today,  
21 or did you alter what you were going to say due to  
22 anything that Ms. Cassels suggested to you?

23 A. My testimony today is under oath, sir, so I'm  
24 telling the truth.

25 Q. And I don't mean that as an insult.

1 A. Okay.

2 Q. I just feel like I have to ask the question.

3 A. Understood.

4 Q. Much like the judge, I also didn't expect  
5 this turn. So again, not at all meant as an insult.  
6 You mentioned that she asked the question, you went  
7 over discovery with Justin, correct?

8 Did she ask you any other things that  
9 concerned you in this area, or did she say anything  
10 else to you about your testimony that raised an alarm?

11 A. No.

12 Q. And again, no insult. Your testimony today  
13 over what discovery you went over with Mr. Rector is  
14 the truth and not anything that Ms. Cassels may have  
15 suggested?

16 A. Yes, sir.

17 Q. Now, the way you put that, you went over  
18 discovery with Justin, correct, that's a question,  
19 correct?

20 A. I'm sorry?

21 Q. Did she imply an answer to you?

22 A. Are you talking about Julia?

23 Q. Yeah, Julia.

24 A. What do you mean imply an answer? I'm trying  
25 to understand your question, I guess.

1 Q. Did she imply what to testify to?

2 A. No.

3 Q. Okay. So is it more kind of questioning what  
4 your role -- or what you might testify -- strike that.

5 I just want to try to get as do you feel she  
6 was more trying to ask you what you were going to  
7 testify about, or do you feel like she was trying to  
8 tell you what to say?

9 A. She was trying to ask what I was going to  
10 testify about.

11 MR. MCPHILLIPS: I don't have any other  
12 questions.

13 THE COURT: Thank you, Mr. McPhillips.

14 Thank you, Mr. Valdez. You can step down.  
15 Thank you for testifying. You're free to go, or you  
16 can stay if you want.

17 (This ends the portion of the transcript  
18 that was transcribed at the request of the ordering  
19 party.)  
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CERTIFICATE OF REPORTER

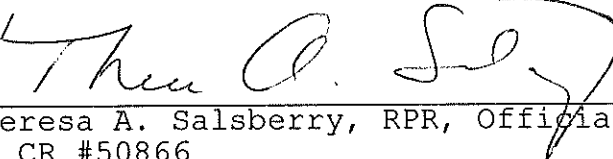
I, Theresa A. Salsberry, Official Reporter in the Superior Court of the State of Arizona, in and for the County of Mohave, do hereby certify that I made a shorthand record of the proceedings had at the foregoing entitled matter at the time and place hereinbefore stated;

That said partial record is full, true and accurate;

That the same was thereafter transcribed under my direction; and

That the foregoing typewritten pages constitute a partial true and accurate transcript of said record, all to the best of my knowledge and ability.

Dated this 12th day of July, 2019.

/s/ 

Theresa A. Salsberry, RPR, Official Reporter  
AZ CR #50866